THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO : 12998 of 2005

DATED:16-09-2005

D.Nagavardhanamma.

..... PETITIONER

AND

The Joint Collector Guntur,

Guntur District & 2 others.

.....RESPONDENTS

ORDER:

This Writ Petition is filed to declare the action of the 2nd respondent, in passing orders of cancellation in Rc.No.5838/2004-B dated 10-03-2005 without giving any show cause notice, as illegal, arbitrary and contrary to the provisions of natural justice.

2. It is the case of the petitioner that he was appointed as a Fair Price Shop Dealer of Thondapi village, Muppalla Mandal, Guntur District, and has been running the same since several years. While so, on a report filed by the 3rd respondent in Rc.No.83/04A, dated 19-10-2004, the 2nd respondent issued show cause notice and suspension orders on 21-10-2004 in Rc.No.5838/2004-B. The petitioner gave an explanation refusing all the charges made in the show cause notice, but the 2nd respondent did not consider the same. Thereafter, the petitioner filed an Appeal Case No.54 of 2004-S7 on 03-02-2005 before the 1st respondent seeking stay of the proceedings of the 2nd respondent and the same was disposed of. Subsequently, the petitioner filed W.P.No.23909 of 2004 questioning the order of the 1st respondent dated 03-02-2005 and this Court permitted the petitioner to continue as dealer pending the appeal before the 1st respondent. However, the 2nd respondent

in his proceedings, dated 10-03-2005, cancelled the authorization of the petitioner without issuing any show cause notice. Against the said orders, the petitioner preferred an Appeal Case No.17/2005-S7 along with stay petition before the 1st respondent, but no orders were passed by the 2nd respondent. Aggrieved thereby, the petitioner approached this Court by way of filing the present Writ Petition.

3. Heard the learned counsel for both the parties and perused the entire material on record.

4. Admittedly, an appeal is pending before the 1st respondent. Therefore, petitioner cannot be permitted to prosecute two parallel proceedings in respect of the same cause of action or the same impugned proceedings. As the petitioner has already filed a statutory appeal before the 1st respondent and the same is pending with the 1st respondent, the petitioner cannot be permitted to prosecute or invoke the jurisdiction of this Court under Article 226 of the Constitution of India. Therefore, the Writ Petition is devoid of merits.

6. Accordingly, this Writ Petition is disposed of with a direction to the 1st respondent to pass appropriate orders in accordance with law within a period of four weeks from the date of receipt of a copy of this order. No costs.

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(K.C.BHANU,J)

16th September,2005.

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